

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.3090 of 1999

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Dated: 05.12.2007

Between:

T.Prabhakar Rao.

.. Petitioner.

And

The General Manager,
The Hyderabad Dist. Co-operative
Central Bank Limited,
Nampally Station Road,
Hyderabad
and another.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.3090 of 1999

ORDER:

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This writ petition is filed seeking a Certiorari to call for the records relating to the proceedings No.E/98-99, dated 08.05.1998, on the file of the 1st respondent and to quash the same as illegal and arbitrary.

2. It appears, while the petitioner was working as Branch Manager, Madannapet Branch, he was served with charge sheet, dated 03.04.1995, on the allegation that he, in collusion with Sri V.Harichandra Reddy, the then Cashier of the same Branch, had issued two bank guarantees on behalf of M/s Swathi Wines and M/s Ekashila Wines for an amount of Rs.37,500/- each, without any authority, security and permission from the Head Office. Thereafter, on the explanation submitted by the petitioner on 29.04.1995, an enquiry was conducted, and basing on the report submitted by the enquiry officer, 1st respondent issued the impugned proceedings, dated 08.05.1998, imposing the punishment of stoppage of one annual grade increment with cumulative effect on the petitioner. While so, the grievance of the petitioner is that the punishment of stoppage of one annual grade increment with cumulative effect is a major punishment and unless and until a detailed enquiry has been conducted, such a punishment ought not to have been imposed by the respondents. Further, even if it is assumed that the misconduct alleged to have been

committed by the petitioner is proved and enquiry is properly conducted, the punishment of stoppage of one annual grade increment with cumulative effect is disproportionate to that of the misconduct alleged.

3. Sri K.Raghuveer Reddy, learned counsel for the respondents, submits that the impugned order was passed only after conducting a detailed enquiry.

4. In this case, it is evident that a charge sheet was issued, explanation was called for and after receiving explanation from the petitioner, an enquiry officer was appointed. In fact, the petitioner has admitted his guilt before the enquiry officer, and therefore, a report was submitted by enquiry officer on 30.07.1997 holding the petitioner guilty of the charge of releasing bank guarantees without taking any security. May be, the guarantors have paid entire amount thereafter, but that does not absolve the petitioner from the charge framed against him and it cannot be said that neither the charge was trivial in its nature nor no enquiry was conducted.

5. Under the above circumstances, I am of the opinion that it cannot be said that there was no detailed enquiry conducted by the respondents and therefore, the disciplinary authority could not have imposed the punishment of stoppage of one annual grade increment with cumulative effect on the petitioner. Even otherwise, the stoppage of one annual grade increment with cumulative effect cannot be said to be disproportionate to that of the misconduct alleged against the petitioner. Apart from that, the petitioner seems to have retired from service, on attaining the age of superannuation, within one year thereafter i.e., in the year 1999. Therefore, the writ petition is devoid of

merits and is liable to be dismissed.

6. Accordingly, writ petition is dismissed. No order as to costs.

(C.V.RAMULU,J)

Dt.05.12.2007

v v